

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KENT JACKSON, as Personal Representative of the Estate of Israel Williams,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-284-G
)	
CITY OF LAWTON et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Kent Jackson, as Personal Representative of the Estate of Israel Williams, herein brings federal civil rights claims pursuant to 42 U.S.C. § 1983, as well as claims under Oklahoma state law. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Suzanne Mitchell for preliminary review.

Plaintiff filed his Second Amended Complaint (Doc. No. 13) on April 27, 2023, identifying 16 defendants. Defendants City of Lawton, James Smith, and Michael Cleghorn filed motions to dismiss, to which responses and a reply have been submitted. *See* Doc. Nos. 16, 17, 21, 23, 32, 33, 40.¹

On December 29, 2023, and January 2, 2024, Judge Mitchell issued a Report and

¹ Defendants Terry Sellers, Timothy Scanlon, Natascha Bates, Wyatt Carter, Jeremy Kinman, Ronnie Watkins, Cassidy Stavely, Stephen Schwender, Tika Fisher, Ian Druce, and Anthony Giles have answered Plaintiff's pleading. *See* Sellers Answer (Doc. No. 14); Defs.' Answer (Doc. No. 15). The case has been stayed as to Defendant Deluse Allen pending his return from active-duty military service. *See* Doc. No. 45. All claims against Defendant Jerome Payton have been dismissed. *See* Doc. No. 58.

Recommendation as to each of the motions to dismiss. *See* First R. & R. (Doc. No. 54); Second R. & R. (Doc. No. 55); Third R. & R. (Doc. No. 57). In each Report and Recommendation, Judge Mitchell advised the parties of their right to object within 14 days. Judge Mitchell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

As of this date, no party has submitted an objection to a Report and Recommendation or sought leave for additional time to do so.


CONCLUSION

Accordingly, each Report and Recommendation (Doc. Nos. 54, 55, 57) is ADOPTED in its entirety, as follows:

- Defendant Michael Cleghorn's Motion to Dismiss (Doc. No. 32) is DENIED. Any state-law claim against Defendant Cleghorn in his official capacity is dismissed without prejudice.
- Defendant James Smith's Motion to Dismiss (Doc. No. 16) is GRANTED IN PART and DENIED IN PART. Plaintiff's Count IV official-capacity claims and any state-law official-capacity claims against Defendant Smith are dismissed without prejudice.
- Defendant City of Lawton's Motion to Dismiss (Doc. No. 17) is GRANTED IN PART and DENIED IN PART. Plaintiff's state-law claims against Defendant City of Lawton are dismissed without prejudice.

This matter remains referred to Judge Mitchell in accordance with the previous referral order.

IT IS SO ORDERED this 19th day of March, 2024.



CHARLES B. GOODWIN
United States District Judge